

environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-100-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**95-15-03 Aerospatiale:** Amendment 39-9306. Docket 95-NM-100-AD.

**Applicability:** Model ATR42 series airplanes having manufacturer's serial numbers 121 through 125 inclusive, 128 through 139 inclusive, and 141 through 143 inclusive, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the side brace pins and the subsequent collapse of the main landing gear (MLG), accomplish the following:

(a) Prior to the accumulation of 6,000 total flight cycles on the MLG pins or within 250 flight cycles after the effective date of this AD, whichever occurs later, replace the currently installed side brace pins of the MLG with new side brace pins having part number (P/N) S5357841320600, in accordance with Avions de Transport Regional Service Bulletin ATR42-32-0070, dated April 3, 1995.

(b) As of the effective date of this AD, only side brace pins of the MLG having P/N S5357841320600 shall be installed on any airplane.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199

of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The replacement shall be done in accordance with Avions de Transport Regional Service Bulletin ATR42-32-0070, dated April 3, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(f) This amendment becomes effective on August 8, 1995.

Issued in Renton, Washington, on July 6, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-17030 Filed 7-21-95; 8:45 am]

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#### 14 CFR Part 39

[Docket No. 94-NM-177-AD; Amendment 39-9309; AD 95-15-06]

#### Airworthiness Directives; Boeing Model 727 and Model 737 Series Airplanes Equipped with J.C. Carter Company Fuel Valve Actuators

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 727 and Model 737 series airplanes, that requires replacement of the actuator of the engine fuel shutoff valve and the fuel system crossfeed valve with an improved actuator. This amendment is prompted by reports indicating that, during laboratory tests on Model 737 series airplanes, the actuator clutch on the engine shutoff and crossfeed valves slipped at cold temperatures due to improper functioning. The actions specified by this AD are intended to prevent improper functioning of these actuators, which could result in a fuel imbalance due to the inability of the flight crew to crossfeed fuel; improperly functioning actuators could also prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire.

**DATES:** Effective August 23, 1995. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 23, 1995.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Stephen S. Bray, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2681; fax (206) 227-1181.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 727 and Model 737 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on March 30, 1995 (60 FR 16388). That action proposed to require replacement of the actuator of the engine fuel shutoff valve and the fuel system crossfeed valve with an improved actuator.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposed rule.

One commenter notes that the description of what prompted the proposal that appeared in the Summary and Discussion sections of the preamble to the notice refers to "during ground acceptance tests." This commenter states that the problem has only been seen "during laboratory tests;" therefore, this commenter suggests that the proposal be revised accordingly. The FAA acknowledges that the commenter's wording is more accurate. The pertinent wording in the preamble to the final rule has been revised to reflect this change.

This same commenter requests that the FAA revise paragraph (a) of the proposed rule to reference part number 3715-7 by General Design in addition to P/N 40574-4 as an alternative method of compliance. The FAA does not concur, since the commenter provided no design or service history data for this particular actuator. However, paragraph (b) of this AD allows an operator to elect to provide such data in a request for an

alternative method of compliance with the rule.

Furthermore, this same commenter requests that the applicability of the proposal be revised to only reflect the vendor of the parts, J.C. Carter, instead of Boeing. This commenter contends that the primary responsibility for tracking AD incorporation should be with the vendor, since airplane effectivity is not identified in either the NPRM or in J.C. Carter Service Bulletin 61163-28-08, dated December 2, 1994. The FAA does not concur. The FAA's general policy is that, when an unsafe condition results from the installation of an appliance or other item that is installed in only certain makes and models of aircraft, the AD is issued so that it is applicable to the aircraft, rather than the item. The FAA finds that making the AD applicable to the airplane model on which the item is installed ensures that operators of those airplanes will be notified directly of the unsafe condition and the action required to correct it. While it is assumed that an operator will know the models of airplanes that it operates, there is a potential that the operator will not know or be aware of specific items that are installed on its airplanes. Therefore, calling out the airplane model as the subject of the AD prevents "unknowing non-compliance" on the part of the operator. The FAA recognizes that there are situations when an unsafe condition exists in an item that is installed in many aircraft; in fact, many times, the exact models and numbers of aircraft on which the item is installed may not be known. Therefore, in those situations, the AD is issued so that it is applicable to the item; furthermore, those AD's usually indicate that the item is known to be installed on, but not limited to, various aircraft models.

Several commenters request that the compliance time for accomplishment of the replacement be extended from the proposed 24 months to 36 months. These commenters state that such an extension will allow operators to accomplish the replacement during a regularly scheduled heavy maintenance visit. One of these commenters states that it would have to procure additional parts, and would need to special schedule its fleet of airplanes to accomplish this replacement within the proposed compliance time. This would entail considerable expense over what was estimated in the FAA's cost impact analysis. This commenter indicates that a compliance time of 36 months would allow the replacement to be accomplished during regularly scheduled maintenance, thereby

eliminating any additional expenses. The FAA concurs. The FAA finds that extending the compliance time to 36 months will not adversely affect safety, and will allow the replacement to be performed using modified parts rather than newly purchased parts. Paragraph (a) of the final rule has been revised to specify a compliance time of 36 months.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 4,137 Model 727 and Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 2,190 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be supplied by J.C. Carter Company at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$394,200, or \$180 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules

Docket at the location provided under the caption ADDRESSES.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**95-15-06 Boeing:** Amendment 39-9309. Docket 94-NM-177-AD.

**Applicability:** Model 727 and Model 737 series airplanes; equipped with J.C. Carter Company fuel valve actuators, as listed in J.C. Carter Company Service Bulletin 61163-28-08, dated December 2, 1994, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent improper functioning of certain actuators, which could result in a fuel imbalance due to the inability of the flightcrew to crossfeed fuel, or which could prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire, accomplish the following:

(a) Within 36 months after the effective date of this AD, replace the actuator having part number (P/N) 40574-2 (Model EM487-2, serial numbers 0001 through 1443 inclusive; and Model EM487-3, serial

numbers 0001 through 2711 inclusive), on the fuel system crossfeed valve and the engine shutoff valves with a new actuator having P/N 40574-4, in accordance with the Accomplishment Instructions of J.C. Carter Company Service Bulletin 61163-28-08, dated December 2, 1994.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The replacement shall be done in accordance with J.C. Carter Company Service Bulletin 61163-28-08, dated December 2, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 23, 1995.

Issued in Renton, Washington, on July 7, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-17159 Filed 7-21-95; 8:45 am]

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### 14 CFR Part 39

[Docket No. 94-NM-185-AD; Amendment 39-9312; AD 95-15-09]

### Airworthiness Directives; British Aerospace Model BAC 1-11-200 and -400 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAC 1-11-200 and -400 series airplanes, that requires various inspections to detect discrepancies of fuselage frames at certain stations, and correction of discrepancies; and rework

to limit the maximum differential operating pressure of the fuselage. This amendment will also require eventual modification of fuselage frames at certain stations, which will terminate the repetitive inspection requirements. This amendment is prompted by reports of fatigue cracking in certain fuselage frames in the vicinity of the passenger door at floor level due to fatigue-related stress. The actions specified by this AD are intended to detect and prevent such fatigue-related cracking, which could result in reduced structural integrity of the fuselage pressure vessel and possible decompression of the pressurized cabin.

**DATES:** Effective August 23, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 23, 1995.

**ADDRESSES:** The service information referenced in this AD may be obtained from British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain British Aerospace Model BAC 1-11-200 and -400 series airplanes was published in the **Federal Register** on April 17, 1995 (60 FR 19175). That action proposed to require various repetitive inspections to detect structural discrepancies of the various structural configurations of the fuselage frames at stations 178 and 213.5, and correction of any discrepancy. That action also proposed to require rework to limit the maximum differential operating pressure of the fuselage. Additionally, that action proposed to require eventual modification of fuselage frames at stations 178 and 213.5, which would constitute terminating action for the repetitive inspection requirements.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response